

Update on The Dickinson School of Law

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The weekend before last was the Alumni Weekend at the law school, and I am finding that our graduates are a pretty interesting group of people. I think we had six federal judges show up, including the first woman Chief Judge of the Federal District Court for the Middle District of Pennsylvania. A Justice of Pennsylvania's Supreme Court was there; Pennsylvania's first elected Attorney General was there; Pennsylvania's first woman Secretary of Agriculture was there; the first woman President of the Pennsylvania Bar Association was there; and there were more state court judges and legislators than I could count.

Some of our other grads were not able to attend. Tom Ridge, Pennsylvania's former Governor and the current Director of Homeland Security sent his regrets, as did United States Senator Rick Santorum and Jesse Arnette, a leader of the California Bar and the former Chair of the Penn State Board of Trustees. U.S. Court of Appeals Judge Brooks Smith could not make it, and neither could Lewis Katz, the owner of the New York Nets.

I suspect you are getting my point.

The Dickinson School of Law was 21 years old when Penn State University was founded. We are the oldest law school in Pennsylvania, the fifth oldest in the United States, and we have been turning out graduates like these for the last 168 years. The first U.S. Senator from Oregon was one of our graduates. The Civil War Governor of Minnesota was one of our graduates. One of the first Native Americans to attend law school graduated from Dickinson in 1911. Our first African-American graduate, graduated in 1909.

As part of its annual survey of graduate schools, U.S. News & World Report asks judges and lawyers throughout the United States for their opinion of the standing of all American law schools. There are four tiers of law schools in the resulting rankings. Penn State Dickinson consistently ranks better than all of the fourth tier schools, better than all of the third tier schools, better than all of the second tier schools, and many of the first tier schools. We are solidly in the first tier when you ask judges and lawyers about law school reputations.

When U.S. News & World Report asks the same question of law professors and law school deans, Penn State Dickinson ranks below all of the first tier schools,

below all of the second tier schools, below most of the third tier schools, and below some of the fourth tier schools. We are solidly a third or fourth tier school when you ask law professors and law school deans.

This disparity reflects the situation upon the completion of the merger between The Dickinson School of Law and Penn State University in 2000: the law school had an impeccable, almost amazing, history of achievement - right up through today, combined with a seriously eroding reputation in the legal academy.

I believe that there are four factors that are probably responsible for the slide in our academic reputation.

First, the diversity of our student body is unacceptably low. We had no Black males in our entering class for 2000-2001. That same year, we had only four Black males in our entire student body of over 580 students; Black men and women together that year were only 2.6 percent of our student body. Our total student body diversity that year was only 7.6 percent; the next year it was only 8.1 percent. By way of comparison within the Big Ten/CIC, the law schools at Michigan State and Ohio State are over 20 percent diverse; Chicago, Michigan, and Wisconsin are all close to 25 percent diverse; and Illinois and Northwestern are close to 30 percent diverse.

Second, our student/faculty ratio is the highest in the Big Ten/CIC. In fact, in 2001, our student/faculty ratio ranked in the bottom 20 percent of all 182 ABA-approved law schools in the United States. Our Big Ten/CIC peers uniformly rank in the top 20 percent of all ABA-approved law schools.

Third, the median and top quartile LSAT score of our student body are the lowest in the Big Ten. In fact, our top quartile LSAT is not as high as the bottom quartile LSAT at most other Big Ten schools. In 2001, our top quartile LSAT dropped to 120th out of all 182 ABA-approved United States law schools.

Finally, we have not been doing an effective job of exposing either (i) the nationwide pool of prospective law school applicants or (ii) the rest of the legal academy, to the significant scholarly productivity, achievements, and inclusiveness of our faculty. Paradoxically, in fact, even though we have the least diverse student body in the Big Ten, we have one of the most diverse - and in my view, most talented - faculties in the Big Ten. Yet, you can search our website and our publications until you are weary and you will not find convincing evidence of that anywhere.

My complaint suggests the solution to these problems that I have mentioned. We need to get the word out from the law school about who we are and about how inclusive we are. I believe that our student body diversity and academic credentials both will improve if we only start telling prospective applicants more effectively who will teach them if they come to Penn State Dickinson. These

prospective students need to know, for example, that if they come to Penn State Dickinson, they will be able to take human rights law from Professor Stephanie Farrow, an established scholar in the area and the immediate past Legal Director of Amnesty International in London. They need to know that they will be able to study bankruptcy and commercial law from Professor Peter Alexander, an African-American scholar with superior publications and national stature in those fields. Peter is asked year after year to teach bankruptcy law to Federal Bankruptcy Court judges.

Our prospective applicants need to know that Professor Victor Romero, a Filipino-American scholar who is the past President of our regional NAACP, teaches and writes at the law school in the areas of immigration and constitutional law.

They need to know that Professor Larry Cata Backer, a Cuban-American scholar with several highly acclaimed articles and books will teach them comparative corporate law, and, that Professor Carla Pratt, an African-American scholar whose recent publications focus on professional ethics and affirmative action in education, offers a thoughtful and provocative seminar on "Race, Racism, and American Law." They need to know that Professor Katherine Pearson, a member of this Senate, supervises one of the most exciting and important Elder Law Clinics in the United States.

I could go on but I believe my point is clear: Penn State Dickinson is not lacking in attributes attractive to a meaningfully diverse student body, we are failing adequately to convey those attributes to potential law school applicants. We are in the midst of developing new publications and a new website in order to address this problem.

We are also getting some outstanding professional help with our admissions effort. Just last week, Janice L. Austin became Penn State Dickinson's first Assistant Dean for Admissions and Financial Aid. Janice joined us from the University of Pennsylvania Law School, where she also held that same post. Janice, who happens to be African-American, is one of the top admissions professionals in the United States. Prior to joining Penn, she was the Director of Admissions at the University of California Hastings College of Law, and before that the Assistant Director of Admissions at Columbia University's Graduate School of Business. Janice is a recent Member of the Board of Trustees of the Law School Admissions Council (which administers the LSAT), a Member of the Advisory Board of the Access Group, and the President of Philadelphia's Center for Gay Civil Rights. She has published on topics such as Diversity in Higher Education, Financing a Legal Education, Affirmative Action, and Disability Issues in Law School Admissions. At Penn, Janice was the advisor to the Black Law Students Association and to the Gay and Lesbian Law Student Organization. We feel very lucky to have her at Penn State Dickinson.

Another initiative related to enhancing our academic reputation is the direct result of support the law school is receiving from Provost Erickson. Specifically, even though the university and the law school, at the law school's request, remain financially independent following their merger, Provost Erickson is providing bridge funds sufficient to enable the law school to hire several additional faculty pending the retirement of several of our senior faculty. Our first faculty appointment pursuant to this program reflects both the standards we intend to employ at the law school in making these appointments, and the depth of our commitment at Penn State Dickinson to enhancing our national reputation for outstanding scholarship.

On January 1, 2003, Professor Thomas Edgar Carbonneau will be joining our faculty. Tom currently is the Moise S. Steeg, Jr. Professor of International Law at Tulane University School of Law, and he commonly is regarded as one of the world's leading experts on international and comparative arbitration. Tom is a former Rhodes Scholar and the author of nine highly acclaimed books and over 75 scholarly articles. When we asked leading professors at our country's most elite universities for references on Tom, he was variously described as "one of the great legal scholars of his generation," as a scholar who is "at the very top of the field of international arbitration," and as someone whose hiring will have a "tremendous impact internationally on Dickinson's reputation."

Let me close by suggesting in a more overarching way why I believe the law school's merger with Penn State is certain to result in an enormous enhancement of the law school's academic programs and standing.

Legal education in the United States today is on the verge of being transformed by two developments. The first is the internationalization of law and legal practice. Commerce and communications are no longer constrained by geographic or political boundaries, and transnational law practice is becoming commonplace. The rule of law is reaching and taking hold in developing nations around the world, and there is intense foreign interest in U.S. legal education as a result. Although the demand for legal services in the United States is beginning to slow after so many years of exponential growth, the demand for legal services outside of the U.S. is growing dramatically. These trends foreshadow a substantial and sustained internationalization of U.S. legal education. We increasingly must equip our new lawyers with a deep appreciation and awareness of different cultures, different legal traditions, different expectations, and different notions of truth and justice.

At the same time, law and legal education are becoming increasingly science-based and interdisciplinary. Courtroom practice today, for example, regularly involves scientific proof and counter-proof and extended testimony and evaluation by expert witnesses. Regulatory and policy decisions of great importance to our environment, to our health, and to our security hinge more and more on questions of cutting-edge science and technology. New industries have

arisen to exploit advances in fundamental science, most notably in molecular biology and information technologies, and this development, in turn, has given new dimension and prominence to the law of intellectual property. Last year the National Academy of Sciences published a report declaring "A Convergence of Law and Science," and I think that phrase nicely captures the rich intermingling of these fields.

If legal education is going to keep pace with these two developments - the internationalization of legal practice and the intermingling of science and law - we must endeavor as educators to provide our students, who will be the lawyers and leaders of tomorrow, with more interdisciplinary classes, more joint degree opportunities, more faculty with joint appointments in multiple disciplines, and more faculty of different nationalities. I have no hesitation in predicting that the law schools that will be best able to provide these innovations will be those law schools, like Penn State Dickinson, that are part of a world-class research university.